

## **NIMAS GUIDANCE**

### **2007-2008**

The 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA) included a requirement that students who are visually impaired and students who are print disabled receive their textbooks and core instructional materials in specialized formats at the same time as their non-disabled peers.

The 2006 regulations implementing the 2004 IDEA include directions on how states and local districts are to respond to this legislation. The two sections of this legislation are the National Instructional Materials Accessibility Standards (NIMAS) and the National Instructional Materials Accessibility Center (NIMAC). Providing accessible formats in a timely manner is not a new requirement. The new NIMAS process will improve this process for the students covered under these regulations.

The NIMAS establishes standards to be used by textbook publishers to prepare electronic files of textbooks, which can be converted to specialized formats. Specialized formats means Braille, Audio, Large Print, Text to Speech or Digital Text, which can be used by students who are blind, vision impaired, physically disabled, and reading disabled. The NIMAC's duties are to receive and maintain a catalog of these electronic files. Publishers at the direction of local school districts send these files to NIMAC. When a student in a local school district requires one of these specialized formats to have access to the general education curriculum, the local district will contact an Authorized User designated by the State of Iowa to search the NIMAC for the particular textbook and associated materials. The Authorized User can access the electronic file and convert it into the specialized format requested or identify an Accessible Media Producer to convert the file into the specialized format. Once the specialized format has been converted, the Authorized User will send it to the local district making the initial request.

### **NIMAS ELIGIBLE STUDENTS (IEP/504 Students)**

#### Blind

Blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with corrective lenses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees.

#### Visually impaired

Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.

#### Physically disabled

Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.

#### Reading disabled

Persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner. Competent authority must be a doctor of medicine who may consult with practitioners in other disciplines. Persons with reading disabilities, regardless of severity, that do not have physical origins are not covered. Nonorganic factors - such as emotional or environmental causes, intellectual or educational deficiencies, or other possible nonorganic or nonphysical causes – must be ruled out and not taken into consideration. The following diagnoses or disorders do not create automatic eligibility: learning disabilities, dyslexia, attention deficit disorder, attention deficit hyperactivity disorder, chronic-fatigue syndrome, autism, functional illiteracy, or mental retardation.

### **CERTIFICATION FOR NIMAS ELIGIBILITY**

In cases of Blindness, Visual Impairment, or Physical disability, certifying authorities include doctors of medicine or osteopathy, ophthalmologists, optometrists, registered nurses, nurse practitioners, physician assistants, therapists, professional staff of hospitals, institutions, and public agencies (e.g., AEA support and related service personnel, teachers of the visually impaired, social workers, counselors, or rehabilitation teachers). In the absence of any of these, certification may be made by professional librarians or by any person whose competence under special circumstances is acceptable to the Library of Congress. In the case of a Reading Disability from an organic dysfunction, the certifying authority must be a doctor of medicine or osteopathy, who may consult with colleagues in associated disciplines. A family member is not eligible to be the certifying authority.

### **LEA RESPONSIBILITIES**

1. Textbook adoption guidance – textbooks published after July 19, 2006 and hence forth – for adoption of elementary and secondary textbooks and core related materials, the district must require the publisher to prepare and, on or before delivery of the print instructional materials, provide to NIMAC electronic files containing the content of the print instructional

materials using the NIMAS or purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. If the district has purchased new textbooks on or after July 19, 2006, these should contact the publisher and request that the textbook files be sent to NIMAC in order to comply with the NIMAS regulations.

2. Suggested Language for Textbook Adoption Contracts and LEA Purchase Orders:

"By agreeing to deliver the materials marked with NIMAS on this contract or purchase order, the publisher agrees to prepare and submit, on or before \_\_\_/\_\_\_/\_\_\_ a NIMAS file to the NIMAC that complies with the terms and procedures set forth by the NIMAC. Should the vendor be a distributor of the materials and not the publisher, the distributor agrees to immediately notify the publisher of its obligation to submit NIMAS file sets of the purchased products to the NIMAC. The files will be used for the production of alternate formats as permitted under the law for students with print disabilities."

3. Identifying NIMAS eligible students:

- Follow all AEA special education eligibility standards and child find/evaluation procedures including the policies and procedures for paying for a medical diagnosis.
- Follow competent authority guidance
- Identify NIMAS eligibility on the IEP form

4. Identifying Accessible formats:

- Use appropriate assessments such as the Learning Media Assessment given by the Teachers of the Visually Impaired
- Teachers of the Visually Impaired, Assistive Technology Consultants, and others with specific information must be involved and present at IEP meetings. If they cannot be present, their reports need to be available to IEP team members.
- Identify accessible formats on page B of the IEP form in "Special Considerations"
- Describe on page D of the IEP form how the accessible format will be used.
- Describe textbooks and related core materials to be converted to accessible formats on page B of the IEP form in "Describe the effect..."  
If an assessment to determine the accessible format has been completed, results should be reported here.

5. Timely Manner Process

- Definition: "timely manner" language has been interpreted by OSEP as "at the same time as other children receive instructional materials."  
The regulation requires the Department to "ensure that all public agencies take all reasonable steps to provide instructional materials in

accessible formats to children with disabilities who need those instructional materials at the same time as other children receive instructional materials.” 34 C.F.R. § 300.172(b)(4). OSEP’s commentary lists the following examples of reasonable steps:

Reasonable steps, for example, would include requiring publishers or other contractors to provide instructional materials in accessible formats by the beginning of the school year for children whom the public agency has reason to believe will be attending its schools. Reasonable steps also might include having a means of acquiring instructional materials in accessible formats as quickly as possible for children who might transfer into the public agency in the middle of the year. Reasonable steps would not include withholding instructional materials from other children until instructional materials in accessible formats are available.

6. Process for obtaining accessible formats in a timely manner:

- Accessible formats include braille, audio, large print, text to speech or digital text specialized formats.
- The Department of Education has determined that the sole entity in Iowa which will interact with the NIMAC and provide accessible formats to districts and students is the Iowa Department for the Blind (IDB). Eligibility and Ordering process/forms will be provided by the Iowa Department for the Blind. Contact the Instructional Materials Center at 1-800-362-2587, to obtain these forms or go to [www.blind.state.ia.us/library/IMC/overviewIMC.htm](http://www.blind.state.ia.us/library/IMC/overviewIMC.htm)
- On this webpage you will find links to information about eligibility and the application form (Qualifying for Services) and a link to the order form (on-line order form for Braille, recorded or electronic textbooks). On the Eligibility/Certification form you must complete pages 1-4 (page 4 requires a parent signature), ignore page 5 and review the contents of page 6. Return the completed form to the Iowa Department for the Blind at the address provided on the form. The eligibility and certification form is collected only once by the Iowa Department for the Blind and maintained in their data-base
- IEP teams make the determination of need using competent authorities. Team members also make the decision about need and type of accessible format required by an individual student.
- The LEA representative on the IEP team will assume responsibility for contacting the district person designated as the liaison to the Iowa Department for the Blind. The contact between the LEA representative and the District NIMAS liaison will be identified on the IEP services page as a linkage that needs to occur within 10 days of the IEP meeting so all textbooks and related core materials can be ordered in the accessible format required by students in a timely manner

- Local District NIMAS liaisons will contact the Iowa Department for the Blind using forms prepared by the IDB to identify textbooks and related core materials needed and the type of accessible format required and identify when these materials need to be in the hands of the students
- This order form must be completed at least six months prior to the time the textbooks and related core materials will be needed in the classroom by the student.

7 Non-NIMAS Students – LEAs have an obligation under IDEA to provide accessible instructional materials in a timely manner to non-NIMAS students. A state work group is currently working on the process that LEAs should use.